

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
BRIAN PUGH  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
Brian\_Pugh@fd.org

6 Attorney for Jesus Mejia-Torres  
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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11

12 Plaintiff,

13 v.

14 JESUS MEJIA-TORRES,  
15

Defendant.

Case No. 2:18-cr-00031-APG-GWF

**STIPULATION TO CONTINUE  
MOTION DEADLINES**  
(Second Request)

**ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United  
18 States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the  
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh,  
20 Assistant Federal Public Defender, counsel for Jesus Mejia-Torres, to continue motion  
21 deadlines for thirty (30) days.

22 IT IS STIPULATED AND AGREED, that the parties herein shall have to and including  
23 May 2, 2018, to file any and all pretrial motions and notices of defense.

24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
25 shall have to and including May 16, 2018, to file any and all responsive pleadings.

26 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
shall have to and including May 23, 2018, to file any and all replies to dispositive motions.

1 The Stipulation is entered into for the following reasons:

2 1. Counsel for the defendant needs additional time to conduct investigation in this  
3 case in order to determine whether there are any pretrial issues that must be litigated and  
4 whether the case will ultimately go to trial or will be resolved through negotiations.

5 2. The defendant is incarcerated and does not object to the continuance.

6 3. The parties agree to the continuance.

7 4. The additional time requested herein is not sought for purposes of delay, but  
8 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
9 complete investigation of the discovery materials provided.

10 5. Additionally, denial of this request for continuance could result in a miscarriage  
11 of justice. The additional time requested by this Stipulation is excludable in computing the time  
12 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
13 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
14 Section 3161(h)(7)(B)(i), (iv).

15 This is the second stipulation to continue filed herein.

16 DATED this 5th day of April, 2018.

17 RENE L. VALLADARES  
18 Federal Public Defender

DAYLE ELIESON  
United States Attorney

19 */s/ Brian Pugh*  
20 By \_\_\_\_\_  
21 BRIAN PUGH  
Assistant Federal Public Defender

*/s/ Kimberly M. Frayn*  
By \_\_\_\_\_  
KIMBERLY M. FRAYN  
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JESUS MEJIA-TORRES,

7 Defendant.

Case No. 2:18-cr-00031-APG-GWF

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. Counsel for the defendant needs additional time to conduct investigation in this  
14 case in order to determine whether there are any pretrial issues that must be litigated and  
15 whether the case will ultimately go to trial or will be resolved through negotiations.

16 2. The defendant is incarcerated and does not object to the continuance.

17 3. The parties agree to the continuance.

18 4. The additional time requested herein is not sought for purposes of delay, but  
19 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
20 complete investigation of the discovery materials provided.

21 5. Additionally, denial of this request for continuance could result in a miscarriage  
22 of justice. The additional time requested by this Stipulation is excludable in computing the time  
23 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
24 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
25 Section 3161(h)(7)(B)(i), (iv).

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the  
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
6 account the exercise of due diligence.

7 The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United  
8 States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United  
9 States Code, § 3161(h)(7)(B)(i), (iv).


10 **ORDER**

11 IT IS THEREFORE ORDERED that the parties herein shall have to and including May  
12 2, 2018 to file any and all pretrial motions and notice of defense.

13 IT IS FURTHER ORDERED that the parties shall have to and including May 16, 2018  
14 to file any all responses.

15 IT IS FURTHER ORDERED that the parties shall have to and including May 23, 2018  
16 to file any and all replies.

17 Dated: April 5, 2018.

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20 UNITED STATES DISTRICT JUDGE  
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